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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Applicant:

Jeremy Burr

Serial No.: 09/930,779

Filed: August 15, 2001

For: Establishing Communications  
Between Devices Within a Mobile  
Ad Hoc Network

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Art Unit: 2682

Examiner: Tuan A. Tran

Docket: ITL.0658US  
P11212

Assignee: Intel Corporation

Mail Stop **Appeal Brief-Patents**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**REPLY BRIEF**

Sir:

This reply brief is directed to the Examiner's new position which is apparently based on the construction of the claim term "contact list."

The Examiner's construction should be rejected because it is inconsistent with the language within the claim, as well as the specification. Thus, there is no possible basis to affirm the rejection based on the new position adopted by the Examiner.

The Examiner's position might be defensible if the claim merely called for a contact list and if the specification were different. Instead, the claim calls for a contact list that is not just any contact list, but a contact list with the qualification "of second wireless devices with which the first wireless device has communicated in the past." The Examiner attempts to construe "contact list" to include devices with which the first wireless device has not communicated in the past. Clearly, this is inconsistent with the qualification provided within the claim in connection with the term "contact list." For this reason alone, the rejection should be reversed since it is

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*[Handwritten signature: Cynthia L. Hayden]*  
Cynthia L. Hayden

now admitted in the Answer that the cited reference has no contact list composed of elements with which the first wireless device has communicated in the past because the asserted list in the reference includes devices with which no such communications are obtained. Therefore, the reference never teaches the step of obtaining a list of devices with which the first wireless device has communicated in the past.

Secondly, the specification, including the very lines cited by the Examiner, support the Applicant's construction of the term "contact list." Most informative is the cited material at page 4, lines 9-11. There, it states that a contact list "may be a list of individuals with whom the device has communicated in the past." It is never suggested that a contact list includes elements with which no such communications were conducted in the past. And, even if one sought to have a broader definition of contact list, such a broader definition would run afoul of the definition which is explicit within the claim itself.

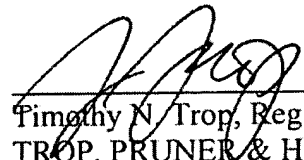
In addition, the Examiner cites page 5, lines 6-9. This is merely a set of examples of one element that could be on the contact list. There may also be additional elements on the contact list made up of other elements with which the device had communications in the past. In other words, the example given on page 5 presupposes that the contact list includes more than one device and that it would also include, as described on page 4, lines 9-11, other devices with which the device had communicated in the past.

Since the claim construction proffered, for the first time on appeal, runs afoul of both the explicit definition within the claim and the language of the specification, there is no basis for the construction. While the construction can be as broad as reasonably possible, here a construction that runs afoul of the explicit language in the claim and the language in the specification is not reasonably supported.

Therefore, the rejection should be reversed.

Respectfully submitted,

Date: June 16, 2006



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